

DANIEL J. BERGESON, State Bar No. 105439
dbergeson@be-law.com
DONALD P. GAGLIARDI, State Bar No. 138979
dgagliardi@be-law.com
BERGESON, LLP
303 Almaden Boulevard, Suite 500
San Jose, CA 95110-2712
Telephone: (408) 291-6200
Facsimile: (408) 297-6000

MARK C. HANSEN, *pro hac vice*
mhansen@khhte.com
J.C. ROZENDAAL, *pro hac vice*
jrozendaal@khhte.com
RICHARD H. STERN, *pro hac vice*
rstern@khhte.com
KELLOGG, HUBER, HANSEN, TODD,
EVANS & FIGEL, PLLC
Sumner Square
1615 M Street, NW, Suite 400
Washington, DC 20036
Telephone: (202) 326-7900
Facsimile: (202) 326-7999

Counsel for Defendant Ricoh Co., Ltd.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

ASUSTEK COMPUTER INC. and
ASUS COMPUTER INTERNATIONAL,

Plaintiffs,

vs.

RICOH COMPANY, LTD.,

Defendant.

AND RELATED COUNTERCLAIMS.

Case No. C 07-01942-MHP

**DECLARATION OF J.C. ROZENDAAL
IN SUPPORT OF JOINT MOTION
TO POSTPONE PURSUANT TO
CIVIL L.R. 6-2**

I, J.C. Rozendaal, hereby declare as follows:

1. I am an attorney admitted to practice before this Court *pro hac vice* and am a partner with the law firm of Kellogg, Huber, Hansen, Todd, Evans & Figel, P.L.L.C., attorneys

1 for Defendant Ricoh Company, Ltd. in the above-captioned matter. If called upon to testify, I
2 could and would do so competently as to the matters set forth herein.

3 2. The parties seek the requested 30-day postponement of the Status Conference
4 currently scheduled for July 7, 2008, because the parties reached an agreement in principle to
5 settle the case on November 27, 2007 and are attempting to work out the details of the agreement
6 and reduce the agreement to writing, after which time they expect to dismiss the case. Ricoh
7 transmitted proposed language for settlement and license agreements to the plaintiffs on
8 December 18, 2007. Plaintiffs transmitted a counterproposal on January 22, 2008. Ricoh sent
9 revised drafts back to plaintiffs' counsel on February 14, 2008. The parties met and conferred on
10 those changes on March 19, 2008. Working through counsel, the parties were unable to reach an
11 understanding on certain terms and therefore decided to meet and confer directly to discuss their
12 differences. The parties met without counsel in Taipei, Taiwan on April 18, 2008, and made
13 good progress toward reducing their agreement to writing, although several issues remain open.
14 After the Taipei settlement meetings, ASUS sent revised drafts of the settlement and license
15 agreements to Ricoh on May 9, 2008. The parties are scheduled to discuss further revisions to
16 the settlement drafts later this week (again, without U.S. counsel). Although the parties and their
17 counsel remain committed to finalizing the settlement, the parties need additional time to finalize
18 the proposed settlement documents and, possibly, to seek the mediator's assistance in working
19 out the few remaining issues.

20 3. On May 27, 2008, the parties requested a 30-day postponement of the Status
21 Conference scheduled for June 9, 2008, because they had reached an agreement in principle to
22 settle the case and were attempting to work out the details of the agreement and reduce the
23 agreement to writing, as noted above.

DECLARATION OF J.C. ROZENDAAL
C-07-01942-MHP